

REMARKS

Status of the Application

Claims 1-18 are all the claims pending in the application. Claims 17 and 18 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-5, 8-11, 15, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson (US Patent 6,926,178) in view of Schmidt et al. (US Patent 5,565,275). Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson in view of Schmidt and Yasukawa et al. (US Patent 5,085,005). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson in view of Schmidt and Yasukawa as applied to claims 6 and 13 above, and further in view of Weikel et al. (US Patent 6,306,514). Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson in view of Schmidt as applied to claim 9 above, and further in view of Thomas et al. (EP 0969069).

With this response, and the attached RCE, Applicants respectfully request the claim Amendments submitted August 19, 2010 be entered and considered. Further, based on the filing of the attached RCE, Applicants hereby resubmit the arguments for the patentability for independent claims 1, 13 and 15.

Claim Rejections - 35 U.S.C. § 112, first paragraph

Claims 17 and 18 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

As of the filing of the attached RCE, the subject matter of claims 17 and 18 is hereby incorporated into claim 1, and claims 17 and 18 are hereby canceled. Thus, the following arguments will be directed toward claim 1.

In response to the arguments set forth in the Amendment filed August 19, 2010, in the Advisory Action mailed September 3, 2010, the Examiner argues as follows:

The applicant argues that the subject matter of claims 17 and 18 comply with the written description requirement and specifically cites Figure 1, the specification not describing the seal made from multiple parts and the specification referring to EP 0969069 which shows one-piece construction. These arguments are not persuasive. Fig. 1 fails to show any details of the construction of the seal. The original specification does not describe the present invention as an improvement of the seal of EP 0969069 but merely describes the mineral filler of EP 0969069 and states that the “purpose of this present invention is to supply a valve seal that includes a different mineral filler.” This language does not incorporate any of the structure of EP 0969069 into the present invention. Finally, it is noted that the mere absence of a positive recitation is not basis for exclusion. See MPEP 2173.05(h).

Applicants hereby respond as follows.

Contrary to the Examiner's position, the instant specification clearly indicates: “[t]his present invention therefore results in improving the seal described in document EP-0 969 069.” See the instant Specification, page 5, lines 5 and 6. Thus, the instant specification clearly incorporates the structure of the seal disclosed in EP 0969069, which is which is a one-piece construction.

Accordingly, Applicants respectfully submit that claim 1 satisfies the written description requirement of 35 U.S.C. § 112, first paragraph. Withdrawal of the rejection is hereby respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-5, 8-11, 15, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson (US Patent 6,926,178) in view of Schmidt et al. (US Patent 5,565,275).

Without conceding to the merits of the Examiner's rejection, Applicants hereby incorporate the subject matter of claims 17 and 18 into claim 1. Because the subject matter of claim 18 is not subject to the instant prior art rejection, Applicants respectfully submit that amended claim 1 is patentable over the applied art.

Further, at col. 1, lines 41-44, Anderson explicitly indicates that the construction of the seal disclosed therein includes two components, a rigid outer section and a flexible inner section. In other words, Anderson discloses the use of a two-component seal. On the other hand, as amended, claim 1 requires a one-piece integral construction. Because Anderson teaches away from the use of one-piece construction, the Examiner's proposed combination of references cannot render amended claim 1 obvious.

Accordingly, Applicants respectfully submit that amended claim 1 is patentable over the Examiner's proposed combination of references. Claim 15 is hereby amended in similar manner to claim 1, and is patentable for reasons analogous thereto. Claims 2-5, 8-11 and 16 are patentable at least by virtue of their respective dependencies.

Claims 6 and 13 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson in view of Schmidt and Yasukawa et al. (US Patent 5,085,005).

Claim 6 depends from amended claim 1. Because the Examiner's proposed combination of references fails to render amended claim 1 obvious, and because Yasukawa fails to cure the

deficiencies noted with respect to claim 1, claim 6 is patentable at least by virtue of its dependency from amended claim 1.

Claim 13 is hereby amended in similar manner to claim 1, and is patentable for reasons analogous thereto. More particularly, as noted with respect to claim 1, the Examiner's proposed combination of Anderson and Schmidt fails to render amended claim 1 obvious; because Yasukawa fails to cure the deficiencies noted in the proposed combination of Anderson and Schmidt, claim 13 is patentable over the Examiner's applied combination of references.

Claims 7 and 14 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson in view of Schmidt and Yasukawa as applied to claims 6 and 13 above, and further in view of Weikel et al. (US Patent 6,306,514).

Claims 7 and 14 depend from amended claims 1 and 13. Because the Examiner's proposed combination of references fails to render amended claims 1 and 13 obvious, and because Yasukawa and Weikel fail to cure the deficiencies noted with respect to claim 1, claims 7 and 14 are patentable at least by virtue of their dependency from amended claim 1.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson in view of Schmidt as applied to claim 9 above, and further in view of Thomas et al. (EP 0969069).

Claim 12 depends from amended claim 1. Because the Examiner's proposed combination of references fails to render amended claim 1 obvious, and because Thomas fails to cure the deficiencies noted with respect to claim 1, claim 12 is patentable at least by virtue of its dependency from amended claim 1.

Conclusion

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Dion R. Ferguson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Dion R. Ferguson
Registration No. 59,561

Date: September 20, 2010